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SESSION I

A-59

MEMORANDUM OF CONVERSATION
U.S. SALT DELEGATION
GENEVA, SWITZERLAND

DATE: December 4, 1972

TIME: 3:00 - 5:00 p.m.

PLACE: U.S. Mission, Geneva

SUBJECT: Third Meeting of "Joint SCC Working Group"

PARTICIPANTS: US

USSR

Mr. S.N. Graybeal
Mr. J.P. Shaw
Col C.G. FitzGerald
LTC F.P. DeSimone
Mr. D. Arensbürger
(Interpreter)

Mr. V.V. Smolin
Col V.P. Starodubov
Mr. P.N. Yevseyev
Mr. Y.N. Kochetkov
(Interpreter)

Graybeal, chairing the meeting, offered the floor to Smolin.

Smolin preferred to adhere to established SWG procedures, and asked the host side to speak first.

Graybeal summarized the U.S. approach to the task at hand, saying that it accomplished two purposes: (1) establishment of the SCC on a governmental level by reaching agreement on the Draft Memorandum of Understanding submitted by the U.S. side on November 29; and (2) providing the SCC with sufficient flexibility to enable it to establish its own procedures in accordance with the basic document establishing the SCC. In the interests of moving our work forward, he then outlined some informal views on possible provisions for SCC operating procedures to be formalized when the Commission first meets. He mentioned the following general subjects which might be included in the SCC procedures:

General -- Commissioners could amend procedures as appropriate.

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Composition -- provision for additional advisors or experts; U.S. and Soviet Commissioners could function as Co-Chairmen; designation of sides as U.S. and Soviet Components of Commission.

Convening of Sessions -- Commissioners would normally agree on tentative date for next session.

Conduct of Meetings -- meetings to be conducted in both languages and in secret; Commissioners would preside alternately; agreed minutes possible.

Expenses -- provision on expenses could be included.

Location -- provision for meeting at places other than Geneva was possible.

Summarizing, Graybeal said these were the types of subjects which could be included in the SCC procedures. The outline encompassed most, if not all, of the points in the Soviet Draft which had not been incorporated in the U.S. Draft Memorandum of Understanding of November 29.

Smolin expressed thanks but could offer only one comment for the moment. Under the U.S. concept the Executive Secretaries would have much more to do than under the Soviet document inasmuch as the Soviet side now agreed with the initial U.S. approach that there be no Executive Secretaries designated in the basic document.

Smolin then said he would submit two separate documents (1) a Draft Memorandum of Understanding to be submitted ad referendum which was based on the two earlier U.S. Drafts and the useful discussions on those documents; and (2) a second document, also ad referendum, reflecting many of the questions asked by the Soviet side. Moreover, the submission of these two documents could be regarded as conditional.

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Graybeal asked conditional on what.

Smolin said that, if his memory was correct, the SCC JWG was operating under the same procedures as all other JWG's had, namely that "nothing was agreed until everything is agreed."

Graybeal agreed.

Smolin then read the Soviet Draft Memorandum of Understanding, paragraph by paragraph, with comments on each paragraph. He made special note of paragraph IV which said "no less than two meetings a year" as originally proposed by the U.S. He also thought that there was no disagreement in substance between paragraph V and the U.S. Proposed paragraph VII (establishment and amendment of SCC procedures by the SCC itself), despite the slightly different wording. He said the Soviet side had attempted to conform the wording of both Drafts as closely as possible to that of Article XIII of the ABM Treaty. Upon reading the entire Draft Memorandum of Understanding, he asked whether there were any questions.

Graybeal asked whether the ad referendum Memorandum of Understanding was the "charter" of the SCC.

Smolin said he was speaking about a basic document establishing the SCC at governmental level.

Graybeal noted Smolin had called the second ad referendum document "Regulations." Was the word used in the same sense as "Regulations" as used in Article VIII or as "procedures" which he had used.

Smolin quoted paragraph 2 of Article XIII of the Treaty and said the word in the second document was used in that sense. He could offer further explanation later but wanted to read the document now. He did so, with a brief word of explanation of each paragraph. None of his comments revealed substantive differences.

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Smolin, upon conclusion of his reading, said he wanted now to answer Graybeal's question on the meaning of "Regulations" as used in the title of this second document. He again quoted paragraph 2, Article XIII of the Treaty. He said that, as regards the "composition of the SCC," mentioned in that paragraph 2, it is regulated by the Draft Memorandum of Understanding. As regards "procedures and other related matters," they are not regulated in the Draft Memorandum. Therefore, the Soviet side had used as the title for the second document the word used in Article XIII with the understanding, however, that the relevant provision on the SCC composition is in the Memorandum of Understanding. Smolin concluded that it would be useful to begin discussion of these points and agree on them for inclusion in the "Regulations." Moreover, inasmuch as there were no representatives of the SCC here, they would not be signed.

Graybeal asked what "agreed" meant in the title of the second document. "Agreed" by whom, inasmuch as the Commissioners would establish their own procedures?

Smolin could cite one example. When work was begun on the Measures Agreement, the SWG had a draft which began with the words: "The Governments of the USA and USSR have agreed on the following:" He said that that Draft had so many brackets that one could say there was no agreement on anything. Yet, nobody was afraid to say that the Governments had agreed. Certainly, there had been many versions of that document's title: Draft Working Document, Draft Something Else, etc.

Graybeal asked what Amb. Smith and Min. Semenov would do with the second document.

Smolin said it would be easier to answer what they might not do. He did think, however, that we should think seriously about all possible variations of a reply to this question. The fact that the Soviet side had suggested "agreed" did not mean it was not ready to study U.S. considerations.

Graybeal reiterated his oft-expressed concern that, in working out operating procedures for a group not yet in being, we should not tie its hands. He wanted to repeat the U.S. view that there be two documents; one establishing the SCC to be signed on behalf

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of Governments and one to serve as guidelines for the SCC in accordance with paragraph V of the U. S. Draft Memorandum of Understanding.

Smolin then submitted the two documents, each with an English translation (Attachments 1 and 2).

Graybeal then proposed that he and Shaw meet with Smolin and Yevseyev at 11:00 a.m. on December 5 to start the process of merging the words of the two Draft Memoranda and working out agreed language for the Draft Regulations. He also proposed a meeting of the JWG later on the same day so that the two drafts could be reported to Delegations as soon as possible.

Smolin agreed.

CYP
Drafted by: Col C. G. FitzGerald:sc Approved by: S. N. Graybeal *SNH*

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Secret

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Unofficial/translation

Draft

MEMORANDUM OF UNDERSTANDING

BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF
SOVIET SOCIALIST REPUBLICS REGARDING THE ESTABLISHMENT
OF A STANDING CONSULTATIVE COMMISSION

I.

The Government of the United States of America and the Government of the Union of Soviet Socialist Republics hereby establish a Standing Consultative Commission.

II.

The Standing Consultative Commission shall promote the objectives and implementation of the provisions of the Treaty between the USA and the USSR on the Limitation of Anti-Ballistic Missile Systems of May 26, 1972, the Interim Agreement between the USA and the USSR on Certain Measures with Respect to the Limitation of Strategic Offensive Arms of May 26, 1972, and the Agreement on Measures to Reduce the Risk of Outbreak of Nuclear War between the USA and the USSR of September 30, 1971, in accordance with the provisions of Article XIII of said Treaty, Article VI of said Interim Agreement, and Article 7 of said Agreement on Measures.

III.

Each Government shall be represented on the Standing Consultative Commission by a Commissioner and a Deputy Commissioner, assisted by such additional staff as it deems necessary.

IV.

The Standing Consultative Commission shall hold periodic meetings on dates mutually agreed by the

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Commissioners but no less than two times per year. At the request of either Commissioner meetings may, when necessary, also be held upon reasonable notice as soon as possible.

V.

The Standing Consultative Commission shall establish and approve Regulations governing procedures and other relevant matters and may amend them as it deems appropriate.

VI.

The Standing Consultative Commission will meet at Geneva, Switzerland, or at such other place as may be agreed.

Done in Geneva, Switzerland, on _____, 1972, in the English and Russian languages, both texts being equally authentic.

For the Government
of the
United States of America

For the Government
of the
Union of the Soviet Socialist
Republics

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Проект

С е к р е т н о

МЕМОРАНДУМ О ДОГОВОРЕННОСТИ МЕЖДУ СОЕДИНЕННЫМИ ШТАТАМИ
АМЕРИКИ И СЪЮЗОМ СОВЕТСКИХ СОЦИАЛИСТИЧЕСКИХ РЕСПУБЛИК
ОТНОСИТЕЛЬНО СОЗДАНИЯ ПОСТОЯННОЙ КОНСУЛЬТАТИВНОЙ
КОМИССИИ

I.

Правительство Соединенных Штатов Америки и Правительство Союза Советских Социалистических Республик настоящим учреждают Постоянную консультативную комиссию.

II.

Постоянная консультативная комиссия содействует осуществлению целей и положений Договора между США и СССР об ограничении систем противоракетной обороны от 26 мая 1972 г., Временного соглашения между США и СССР о некоторых мерах в области ограничения стратегических наступательных вооружений от 26 мая 1972 г. и Соглашения о мерах по уменьшению опасности возникновения ядерной войны между США и СССР от 30 сентября 1971 г. в соответствии с положениями статьи XIII указанного Договора, статьи VI указанного Временного соглашения и статьи 7 указанного Соглашения о мерах.

III.

Каждое из Правительств представлено в Постоянной консультативной комиссии Представителем и Заместителем Представителя, которым помогает такой дополнительный персонал, который оно считает необходимым.

IV.

Постоянная консультативная комиссия проводит периодические заседания в сроки, взаимно согласуемые Представителями, но не реже, чем два раза в год. Заседания, когда необходимо, могут также созываться при заблаговременном уведомлении по предложению любого из Представителей так скоро, как это возможно.

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У.

Постоянная консультативная комиссия разработает и одобрит Положение, регулирующее процедуру и другие соответствующие вопросы, и может вносить в него поправки, какие она сочтет необходимыми.

УІ.

Постоянная консультативная комиссия будет проводить заседания в Женеве (Швейцария) или в другом месте, о котором может быть достигнута договоренность.

Совершено _____ 1972 года в городе Женеве (Швейцария) на английском и русском языках, причем оба текста имеют одинаковую силу.

За Правительство Соединенных
Штатов Америки

За Правительство Союза Совет-
ских Социалистических Республик

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December 4, 1972

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Soviet

Unofficial/translation

Draft

AGREED PARAGRAPHS FOR INCLUSION IN THE
REGULATIONS FOR THE STANDING CONSULTATIVE
COMMISSION

I. The Standing Consultative Commission established in accordance with Article XIII of the Treaty between the USSR and the USA on the Limitation of Anti-Ballistic Missile System of May 26, 1972, and the Memorandum of Understanding between the Union of Soviet Socialist Republics and the United States of America Regarding the Establishment of a Standing Consultative Commission of 1972 shall consist of a Soviet Section and an American Section which are headed by Commissioners,

2. The Commissioners shall preside over the meetings alternately.

3. The Commissioners shall, when possible, inform each other in advance of the questions to be submitted for discussion at meetings, but may at any meeting submit for discussion any questions within the competence of the Commission,

4. During intervals between meetings of the Commission each Commissioner may transmit written or oral communications to the other Commissioner, concerning matters within the competence of the Commission.

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5. Each Section of the Commission may invite advisers and experts as it deems necessary to participate in the meeting.

6. The Commission may establish Special Working Groups to consider and prepare specific matters.

7. The results of the discussion of questions at the meetings of the Commission may, if necessary, be entered into records which shall be in two copies, each in the Russian and the English languages.

8. Each Section in the Commission shall bear the expenses of its participation in the Commission.

9. The Regulations for the Standing Consultative Commission shall enter into force on the day of signature.

S e c r e t

Проект

СОГЛАСОВАННЫЕ ПУНКТЫ
ДЛЯ ВКЛЮЧЕНИЯ В ПОЛОЖЕНИЕ О ПОСТОЯННОЙ
КОНСУЛЬТАТИВНОЙ КОМИССИИ

1. Постоянная консультативная комиссия, созданная в соответствии со статьей XIII Договора между СССР и США об ограничении систем противоракетной обороны от 26 мая 1972 года и Меморандумом о договоренности между Союзом Советских Социалистических Республик и Соединенными Штатами Америки относительно создания Постоянной консультативной комиссии от 1972 года, состоит из советской и американской частей, возглавляемых Представителями.

2. Представители председательствуют на заседаниях поочередно.

3. Представители по возможности заранее информируют друг друга о вопросах, которые будут поставлены на обсуждение на заседании, однако они могут на любом заседании ставить на обсуждение любые вопросы, входящие в компетенцию Комиссии.

4. В период между заседаниями Комиссии каждый Представитель может передавать другому Представителю письменные или устные сообщения по вопросам, входящим в компетенцию Комиссии.

5. Каждая часть Комиссии может привлекать для участия в заседании советников и экспертов по своему усмотрению.

6. Комиссия может создавать специальные рабочие группы для рассмотрения и подготовки отдельных вопросов.

7. В случае необходимости результаты обсуждения вопросов на заседании Комиссии могут заноситься в протокол, который составляется в двух экземплярах каждый на русском и английском языках.

8. Каждая часть Комиссии несет расходы, связанные с ее участием в Комиссии.

9. Положение о Постоянной консультативной комиссии вступает в силу со дня его подписания.

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